

No. 1 of 1920.

An Ordinance to make better provision for Education, and to revise and consolidate the Law relating thereto.

(As amended by No. 15 of 1920.)

(See No. 5 of 1906, No. 8 of 1907, and No. 14 of 1913.)

[Date of Governor's assent : February 19, 1920.]

[Date of commencement : January 1, 1924.]

Preamble.

WHEREAS it is expedient to make better provision for education, and to revise and consolidate the law relating thereto : Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows :

Short title and commencement.

1 This Ordinance may be cited as "The Education Ordinance, No. 1 of 1920," and shall come into operation on a day to be fixed by the Governor by Proclamation in the *Government Gazette*.*

[§ 2, 15 of 1920.]

Provided, nevertheless, that Part I. except sub-sections (2) and (3) of section 5, and Part II. of this Ordinance shall come into operation on the passing of this Ordinance.†

2 (1) In this Ordinance, unless the context otherwise requires—

Interpretation.

"The Director" means the Director of Education.

"The Assistant Director" means the Assistant Director of Education.

* Proclaimed from January 1, 1924, by Proclamation dated June 26, 1923, in *Government Gazette* No. 7,336 of June 29, 1923.—*Edd.*

† Came into operation on July 21, 1920.—*Edd.*

Education.

- “The Department” means the Department of Education created under the provisions of this Ordinance.
- “The Board” means the Board of Education appointed and constituted under the provisions of this Ordinance.
- “District Committee” means an Education District Committee appointed and constituted under the provisions of this Ordinance.
- “Assisted school” means a school, whether secondary or elementary, to which aid is contributed from the public funds of the Colony.
- “Government school” means a school, whether secondary or elementary, already or hereafter established by, or transferred to, Government and maintained entirely from the public funds of the Colony.
- “Parent” includes a guardian and any person who has the legal or actual custody of a child.
- “Estate school” means an estate school established under the provisions of “The Rural Schools Ordinance, 1907,” or hereafter established under this Ordinance.
- “Prescribed” means proscribed by regulation or by-law made under this Ordinance.

(2) The occupier of the premises in which any child usually resides shall be deemed to have the actual custody of such child until the contrary is proved.

PART I.

The Department of Education, the Director, and Officers.

3 There shall be a Government Department to be styled the Department of Education, the head whereof shall be called the Director of Education.

Department of
Education.

4 The officers of the Department shall be as follows :

Officers of
Department.

- (1) The Director of Education ;
- (2) The Assistant Director of Education ;
- (3) The Inspectors, Assistant Inspectors, and Sub-Inspectors of Schools ;
- (4) The Secretary of the Board ; and
- (5) Such other officers and clerks and peons as may, in the opinion of the Governor, be necessary for carrying into effect the provisions of this Ordinance.

5 (1) It shall be the duty of the Director, under section 10 of this Ordinance, to prepare regulations, and to submit the same to the Board for approval ; and further, to submit to the Board for approval any amendments of such regulations as he may consider necessary, or which he may be requested by the Board to prepare.

Duties of
Director.

(2) He shall be responsible for the carrying out of such regulations.

Education.

(3) He shall before the month of April in each year make to the Board, for submission to the Governor, a report upon the state of every educational establishment supported or aided by public funds under the provisions of this Ordinance, and such report shall be printed and laid before the Legislative Council.

(4) He shall further, whenever he shall think fit, or whenever he shall be required by the Board to do so, report to the Board on any matter relative to the education of youth in the Colony.

PART II.

Board of Education.

Board of Education.

6 (1) There shall be established a Board to be styled the Board of Education, and composed of not less than sixteen or more than twenty members nominated by the Governor, of whom the Director and the Assistant Director and two Unofficial Members of the Legislative Council shall be four.

(2) Every member of the Board other than the Director and Assistant Director shall hold office for the term of three years from the date of his appointment.

(3) No act or proceeding of the Board or of any Committee of the Board shall be invalidated or questioned on account of any vacancy among the members of such Board or Committee, or of any defect in their appointment.

Board to be advisory.

7 The Board shall not be an administrative or executive body, but the Governor or the Director may refer any matter to the Board for their advice.

Chairman.

8 The Director shall be Chairman of the Board, provided that in his absence the Board may elect one of its members as chairman at any meeting.

Resignation and vacation of membership.

9 (1) Any member, other than the Director or Assistant Director of Education, may resign his seat on the Board by letter addressed to the Governor.

(2) Any such member as aforesaid who has not on the thirty-first day of December in each year attended at least one-half of the meetings of the Board during the preceding twelve months or during his tenure of office in such months shall be considered to have vacated his seat on the Board, unless he has been absent from ill-health or with the leave of the Board.

(3) In case of the absence on leave or through ill-health of any member of the Board, the Governor may appoint any person to act in his stead.

Powers of Board as to framing "The Code."

10 (1) The Board may make regulations, which shall be known as "The Code," and may deal with the following subjects :

Education.

(I.) Elementary and Secondary Education.

- (a) The establishment, taking over, transfer, recognition, maintenance, continuance, or discontinuance of elementary and secondary schools.
- (b) The course and schedules of studies and the course of manual instruction in such schools, and the books and apparatus to be used therein.
- (c) The discipline to be enforced in such schools.
- (d) The inspection and examination of such schools, and the manner in which inspecting officers shall perform their duties.
- (e) The duties of local managers, and the manner of their performance.
- (f) The qualifications required in school teachers of various classes, and the payment of fixed salaries and other emoluments to such teachers ; and the appointment, classification, suspension, and removal of such teachers.
- (g) The appointment of officers to secure the attendance of children at elementary schools in districts in which by-laws for their compulsory attendance are in force, and for the payment of the salaries of such officers by the prescribed authority.
- (h) The powers of such officers to demand and obtain information with regard to children who are required by such by-laws to attend such schools, and to require the production of such children before them for inspection.
- (i) The entry by such officers upon any premises and the search thereof for the purpose of gaining or verifying information with regard to any such children.
- (j) The provision for the infliction of penalties for the contravention of any of such regulations which may amount to a fine not exceeding twenty rupees, or in default of payment to imprisonment of either description for a period not exceeding one month.

(II.) Training of Teachers.

- (k) The establishment, taking over, transfer, administration, maintenance, continuance, or discontinuance of Government and assisted training schools for teachers.

(III.) Intermediate Schools and Night Schools.

- (l) The providing or aiding of night schools and of schools intermediary between elementary and secondary schools, which shall be subject to such provisions of the Code as the Board think fit to apply.

Education.

(IV.) *General.*

- (m) The award and tenure of exhibitions and scholarships.
- (n) Technical, agricultural, and commercial education.
- (o) The payment or remission of fees, subject to the provisions of the Code, in respect of attendance at any school.
- (p) The standards of accommodation and of sanitation to be maintained in Government and assisted schools, and also in all private schools or places in which classes attended by children of school-going age are held.
- (q) Generally for the regulation and conduct of the business of the Board and of any committees thereof.

(2) Regulations made under this section shall be published in the *Government Gazette* for general information, and shall not have any force or effect until they have been confirmed by the Governor in Executive Council. Provided that such confirmation shall not take place before the expiration of one month after such publication.

(3) All such regulations shall, after such confirmation as aforesaid, be published in the *Government Gazette*.

(4) Two copies of the Code shall, within ten days of publication, be sent to each head teacher of a Government school, and to the local manager of each assisted school for the purpose of being handed over to the head teacher of such assisted school.

(5) All regulations published as aforesaid shall be laid as soon as conveniently may be before the Legislative Council, and may at any time within forty days after the date of their being so laid before the Council, or at any of the three meetings of the Council next succeeding such date, by resolution of the Council, be disallowed, amended, or otherwise dealt with as may be directed by the said resolution, but without prejudice to anything that may have been done thereunder.

Duties of Board.

11 It shall be the duty of the Board to advise upon all questions connected with the education of youth in the Colony which are referred to them by the Governor or the Director; and further, it shall be competent for the said Board to make recommendations to the Governor or the Director in connection with such education without previous reference.

Business of Board.

12 (1) The Board shall meet once at least in every two months on such day as may be prescribed.

(2) The Director may at any time summon a meeting of the Board, and on a requisition signed by any three members he shall summon a meeting of the Board.

(3) The requisition shall state the object for which the meeting is required to be summoned.

(4) Seven members of the Board shall form a quorum.

(5) The Chairman shall have a casting, as well as an original, vote.

(6) The Board shall keep a minute book in which their proceedings shall be recorded.

Education.

PART III.

Religion in Schools and Local Managers.

13 No applicant shall be refused admission into any assisted school on account of the religion, nationality, race, caste, or language of such applicant or of either of his parents.

Religion,
nationality,
race, caste, and
language.

14 Religious teaching shall not form part of the instruction to be given at any Government school, whether secondary or elementary, by any teacher; but any minister or teacher of religion authorized by the Director by writing under his hand may give religious instruction to the children of the religious denomination to which the minister belongs at such times and places as may be agreed upon between him and the Director.

Religious
instruction
in Government
schools.

15 (1) It shall not be required as a condition of any child being admitted into or continuing in an assisted school that he shall attend or abstain from attending any Sunday school or any place of religious worship, or that he shall attend any religious observance or any instruction in religious subjects in the school or elsewhere, from which observance or instruction he may be withdrawn by his parent or guardian, or that he shall attend the school on any day exclusively set apart for religious observance by the religious body to which the parent belongs.

Conscience
clause.

(2) The time during which any religious observance is practised or religious instruction is given at any meeting of an assisted school shall be either at the beginning or the end or at the beginning and the end of such meeting, and shall be inserted in a time table to be approved by the Director, and to be kept permanently and conspicuously affixed in every schoolroom, and any scholar may be withdrawn by his parent or guardian from such observance or instruction without forfeiting any of the other benefits of the school.

16 (1) The Director may appoint such persons as he thinks fit to be local managers for Government schools, and he may in his discretion remove any such manager at any time.

Local
managers.

(2) Any such appointment or removal shall be notified in the *Government Gazette*.

(3) The head or governing body of the religious denomination in connection with which an assisted school is conducted, or the governing body of any other assisted school, shall have the power at any time to appoint local managers for such school, or to require the retirement of any such local manager. Provided that the Director may also require the retirement of any local manager of an assisted school.

(4) The appointment of any local manager to an assisted school, together with the acceptance thereof in writing by the person so appointed and the notification of retirement of any local manager, shall be delivered to the Director by such head or governing body as aforesaid.

(5) No teacher or any person who derives any profit or emolument from any school shall be a local manager.

Education.

PART IV.

Education Districts and District Committees.

Formation of
education
districts.

17 For the purposes of this Ordinance the area contained within—

- (a) Every Municipal town ;
- (b) Every Local Board town brought under the provisions of this Ordinance by Proclamation by the Governor in Executive Council ;
- (c) Every local authority created under any enactment hereafter to be passed for the extension of local government in the Colony ;
- (d) Every district brought under the provisions of this Ordinance by Proclamation by the Governor in Executive Council ;

shall be an education district under this Ordinance.

Education
District
Committees.

18 (1) In every education district there shall be an Education District Committee, which shall consist of not less than six or more than nine members, as may be ordered by the Governor in Executive Council.

(2) Two of such members shall—

- (a) In the case of the Committee of an Education District which is situated within the administrative limits of a Municipal town, be nominated by the Council of such town ;
- (b) In the case of the Committee of an Education District which is situated within the administrative limits of a Local Board town which has been declared to be an education district, be nominated by the Local Board.
- (c) In the case of the Committee of an Education District which is situated within the administrative limits of any local authority created under any enactment hereafter to be passed for the extension of local government, be nominated by such local authority.

(3) The Governor in Executive Council may, by Proclamation in the *Government Gazette*, increase the number of members nominated under the last preceding sub-section.

(4) All members to the extent to which they are not nominated under the provisions of the two last preceding sub-sections shall be nominated by the Governor.

(5) Every member of the District Committee shall hold office for three years from the date of his appointment.

(6) No act or proceeding of the Committee shall be invalidated or questioned on account of any vacancy amongst the members of such Committee or of any defect in their appointment.

Chairman.

19 The members of each District Committee shall from time to time elect one of their members to be Chairman of such Committee.

Education.

20 Every Chairman shall hold office for one year from the date of his election, unless his term of office shall meanwhile have ceased or expired.

Tenure of
office of
Chairman.

21 (1) Any member may resign his seat on the Committee by letter addressed to the Colonial Secretary if nominated by the Governor, and to the authority appointing him if nominated by the Council of a Municipal town or by a Local Board or local authority.

Resignation
and vacation
of membership.

(2) Any such member as aforesaid who has not on the thirty-first day of December in each year attended at least one-half of the meetings of the Committee during the preceding twelve months, or during his tenure of office in such months, shall be considered to have vacated his seat on the Committee, unless he has been absent from ill-health or with the leave of the Committee.

(3) In case of the absence on leave or through ill-health of any member of the Committee, the Governor, or the authority appointing him as aforesaid, may appoint any other person to act in his stead.

22 (1) A District Committee shall meet once at least in every two months on such day as may be prescribed.

Business of
District
Committee.

(2) The Chairman may at any time summon a meeting of a District Committee, and on a requisition signed by any three members, he shall summon a meeting of the Committee.

(3) The requisition shall state the object for which the meeting is required to be summoned.

(4) Three members of a District Committee shall form a quorum.

(5) The Chairman shall have a casting, as well as an original, vote.

(6) Each District Committee shall keep a minute book in which their proceedings shall be recorded.

(7) Every District Committee shall before the month of March in each year make to the Board a report upon the state of every educational establishment supported or aided by public funds situated within their district.

23 In any area within the jurisdiction of a Village Committee constituted under Ordinance No. 24 of 1889, such Village Committee may, within such area, exercise such powers of a District Committee as may be delegated to such Village Committee by any by-law made by such District Committee.

Village
Committees.

24 All District and Village Committees shall assist the Director in all matters relating to elementary schools within their respective districts or areas.

Committees to
aid Director.

Education.

By-laws by
District
Committees.

25 (1) A District Committee may make by-laws for carrying out the provisions of this part of this Ordinance, and particularly, but without restricting such general power, may make by-laws—

- (a) For the regulation and conduct of the business of the Committee ;
- (b) For the delegation of any powers conferred upon them by this Ordinance to Village Committees, and for the manner in which such powers are to be exercised and carried out by the Village Committees and their officers ;
- (c) Specifying the limits of any area within which efficient provision has been made for elementary education by means of schools situated either within or outside of such area ;
- (d) Requiring, subject to such exemptions and qualifications as may be contained in such by-laws, the parent of any child between the ages of six and fourteen years, or in the case of Muhammadan and Tamil girls, between the ages of six and ten, residing within such area, to cause such child to attend an elementary school, unless he has made adequate and suitable provision for the education of such child. Provided that no such by-law shall involve the attendance at any school by any child from any distance exceeding three miles ;
- (e) Determining the days on which and the hours during which children shall attend such school ;
- (f) Generally for carrying out the provisions of this part of this Ordinance ;

and may attach a penalty not exceeding a fine of ten rupees, or, in default of payment, imprisonment of either description for a period not exceeding fourteen days, and in the case of a continuing offence, an additional fine not exceeding ten rupees per day to the breach of any such by-law.

(2) A parent shall be deemed to have made adequate and suitable provision for the education of his child—

- (a) If he proves that his child is in regular attendance at an elementary school or at a school certified by the Director to provide adequate and suitable education; or
- (b) If he proves that he has made such other provision for his child's education as the Director or some officer of the Department authorized by him shall certify to be adequate and suitable ; or
- (c) If he produces a certificate from the Director or some officer of the Department authorized by him recommending that the child shall be exempted from compulsory attendance.

Education.

(3) (a) No parent shall be convicted for not causing his child to attend school, if he proves to the satisfaction of the court that he had reasonable cause for not causing such child to attend.

(b) A parent shall be deemed to have a reasonable excuse for not causing his child to attend school, if he proves that the child is prevented from attending by sickness or other unavoidable cause.

(4) By-laws under this section shall be submitted by the District Committee for the approval of the Board of Education.

(5) All such by-laws, if approved by the Board of Education, shall then be submitted, for confirmation, to the Governor in Executive Council, and if and when so confirmed shall be published in the *Government Gazette* in the English, Sinhalese, and Tamil languages, and shall thereupon be as legal, valid, effectual, and binding as if they had been enacted in this Ordinance.

26 Upon the publication under section 25 of this Ordinance of by-laws for securing the attendance of children at school in any education district, any rules made by the Village Committee of any subdivision situated within the administrative limits of any such district, under the provisions of section 6 of "The Village Communities Ordinance, 1889," for such purpose which may then be in force in such subdivision, shall from the date of such publication be abrogated and shall cease to have effect, and no rules for such purpose shall thereafter be made; but nothing in this section shall prejudice anything lawfully done under such rules.

Repeal of village rules by publication of by-laws under section 25.

27 Such moneys as may from time to time be granted by the Legislative Council from general revenue for the purpose shall be allocated by the Director amongst the Education District Committees.

Allocation of Government grant.

28 (1) A District Committee may, with the approval of the Director, apply the money placed at their disposal as hereinbefore provided for the benefit of the Government schools at which the children in their district attend, and may, with the like approval, make provision therefrom for—

Application of money at disposal of District Committee.

- (a) Erecting new buildings, extending existing school buildings, making and fencing school gardens and playgrounds, constructing teachers' dwelling houses, and wells for school gardens, and other necessary premises and offices;
- (b) Repairing school buildings, teachers' dwelling houses, fences, wells, offices, and premises;
- (c) Supplying furniture, school apparatus, and agricultural implements.

(2) In special cases, and with the approval of the Director, a District Committee may apply such money for the benefit of assisted schools within their district.

Education.

(3) A District Committee may also, subject to the provisions of this Ordinance—

- (a) Pay the salaries of clerks and other officers employed by them ; and
- (b) Make any payments necessary for carrying out the objects of this Ordinance.

Keeping and audit of accounts.

29 (1) Accounts shall be kept by each District Committee of their receipts and expenditure, and those accounts shall be made up to the thirty-first day of December in each year, and any balance of receipts over expenditure shall be carried forward to the following year.

(2) The accounts shall be audited annually by the Colonial Auditor, and shall be open at all times to inspection by him and by any other officer appointed by him to inspect them. A copy of the accounts for each year shall be forwarded to the Colonial Auditor not later than the thirty-first day of January of the succeeding year.

(3) A correct summary of the accounts for each year shall be published in the *Government Gazette*.

PART V.

Estate Schools.

Application of Part V. to estates.

30 (1) Parts II., III., and IV. of this Ordinance shall not apply to an estate on which there are more than twenty-five children between the ages of six and ten of labourers employed thereon.

(2) Whenever it appears that the children of such labourers can be more conveniently educated by means of the schools of the education district within or near which such estate is situated, the Governor may, by order in the *Government Gazette*, exempt such estate from the operation of this part of this Ordinance, and direct that it shall be subject to Parts II., III., and IV. thereof.

Combined schools.

31 Two or more estates may, with the sanction in writing of the Director, combine for the purpose of providing a common school under a joint manager for the instruction of the children on such estates.

Duty of superintendent as regards education of children on estate.

32 It shall be the duty of the superintendent of every estate to provide for the vernacular education of the children of the labourers employed on the estate between the ages of six and ten, to appoint competent teachers, and to set apart and keep in repair a suitable schoolroom.

Restriction on employment of children.

33 (1) No child between the ages of six and ten shall be employed on any work upon any estate before the hour of ten in the morning.

Education.

(2) It shall be the duty of every superintendent to take effective measures for securing the observance of the provisions of this section, and any superintendent who shall fail so to do shall be guilty of an offence, and shall be liable on conviction to a fine not exceeding one hundred rupees.

34 (1) The parent of every child between the ages of six and ten, such parent being employed as a labourer on the estate, shall cause such child to attend the estate school during the hours prescribed by rules made by the Director.

Parents to see that children attend school.

(2) Any parent who fails to comply with the provisions of this section shall be guilty of an offence, and shall be liable on conviction to a fine not exceeding ten rupees, or, in default of payment, imprisonment of either description for any period not exceeding fourteen days.

35 (1) It shall be the duty of the superintendent to supply the school teacher with the information necessary to allow of such teacher keeping a register showing the names and ages of the boys and girls, being the children of labourers employed on the estate, between the ages of six and ten.

Register of children of school-going age.

(2) It shall be the duty of the school teacher to keep such register, and also to keep an attendance register showing the presence or absence of each child on every day on which school is held.

(3) Such first-named register shall be corrected or renewed on or before the tenth day of each month, and shall be open to inspection as hereinafter provided.

(4) Any superintendent or teacher who acts in contravention of the provisions of this section shall be guilty of an offence, and shall be liable on conviction to a fine not exceeding twenty rupees, or to imprisonment of either description for any period not exceeding one month.

36 (1) The Director shall from time to time cause estate schools to be inspected, and on such inspection the superintendent, who shall have at least three days' clear notice of the inspection, shall afford the inspecting officer all reasonable facilities for inspecting the registers hereinbefore required to be kept and the children on the estate.

Inspection of schools.

(2) Any superintendent who acts in contravention of the provisions of this section shall be guilty of an offence, and shall be liable on conviction to a fine not exceeding one hundred rupees, or to imprisonment of either description for any period not exceeding three months.

37 (1) Whenever provision has not been made to the satisfaction of the Director for the vernacular instruction of the children on any estate and for the supply of a suitable schoolroom, the Director may issue a notice to the superintendent calling upon him to make provision for the vernacular education of the children or for a schoolroom; and if such notice has not been complied with to the satisfaction of the

Enforcement of obligation of superintendent to provide for education of children.

Education.

Director within six months from the date when it was given, the Governor in Executive Council may authorize some person to enter upon the estate and erect a suitable schoolroom thereon and to provide suitable instruction for such children.

(2) The cost of erecting and maintaining a schoolroom and of providing instruction for the children shall from time to time be certified by the person so authorized, and shall be recovered in the manner provided by "The Medical Wants Ordinance, No. 9 of 1912," for the recovery of money payable under section 10 of the said Ordinance.

(3) The provisions of sections 34, 35, and 36 of this Ordinance shall apply to a school established under this section.

PART VI.

General.

Duty of persons opening new schools to report to Director.

38 (1) It shall be the duty of any person who desires to open a school or give instruction in English or any other language in any schoolroom or any building not previously used by him for the purpose to any class or classes attended by children of school-going age, at least one month before the opening of such proposed school or the commencing of such proposed instruction, to report particulars of such school or instruction to the Director, and thereafter supply such information as may be required by the Director with regard to his school or his class or classes, and the courses of instruction he is giving or proposes to give.

(2) Any person who acts in contravention of the provisions of this section shall be guilty of an offence, and shall be liable on conviction to a fine not exceeding fifty rupees.

Powers of inspection.

39 (1) It shall be lawful for the Director, Assistant Director, and any inspecting officer of the Department, and for the Chairman of any District Committee within the administrative limits of such Committee, to enter and inspect any elementary school, and all the registers of admission and attendance of any such school.

(2) Any person obstructing the Director, Assistant Director, or any such inspecting officer or Chairman acting in pursuance of this section shall be guilty of an offence, and liable on conviction to a fine not exceeding one hundred rupees.

Jurisdiction in respect of offences.

40 (1) All offences under this Ordinance or under any regulations, rules, or by-laws made thereunder shall be triable by a Police Magistrate ; or in the case of a Municipal town, by a Municipal Magistrate ; or in the case of any offence committed within the jurisdiction of any Village Tribunal or Village Committee, by the Village Tribunal or Village Committee.

(2) The Village Tribunal or Village Committee shall have jurisdiction to award the maximum punishment prescribed therefor, anything in the Criminal Procedure Code or in "The Village Communities Ordinance, 1889," to the contrary notwithstanding.

Education.

41 (1) If within the jurisdiction of any Police Magistrate or Municipal Magistrate any child of such age as to be liable to attend school neglects habitually, and without reasonable excuse, to attend such school, or is found habitually wandering about the streets and not under proper control, or in the company of disorderly or immoral persons or of reputed criminals, it shall be the duty of the attendance officer, after due warning to the child and to the parents of the child, if they can be found, to present a written report, certified by the Chairman of the District Committee, to the Magistrate.

Power of Magistrate in certain cases to order child to be sent to certified industrial school.

(2) The Magistrate shall summon such child and the parents (if they can be found) before him, and, if satisfied of the truth of the report, may order such child, if a male, to be caned in accordance with the provisions of "The Flogging Regulation Ordinance, 1904," or order any such child to be sent to any school or institution certified by the Governor under "The Youthful Offenders Ordinance, 1886" (hereinafter referred to as "a certified industrial school"), for such period (subject to the limitations prescribed by section 19 (d) of the said Ordinance) as to such Magistrate shall seem proper.

(3) The costs of maintaining and educating the child at the certified industrial school shall be defrayed, in the first instance, by the District Committee, but the Magistrate may in his discretion issue an order to the parent of such child requiring such parent to pay the whole or any part of the costs of such maintenance, provided that such order may be made on the application of an attendance officer, and shall be made and enforced, so far as is consistent with the provisions of this Ordinance, in the manner provided by sections 32 to 37 inclusive of "The Youthful Offenders Ordinance, 1886."

42 With regard to proceedings under this Ordinance or under any regulation, rule, or by-law thereunder, the following provisions shall have effect, namely :

Proceduro.

(1) The Magistrate, President, or Chairman may, instead of imposing a fine, make an order directing that the child shall attend school, and that if he fails to do so, the person on whom such order is made shall pay a fine not exceeding the fine to which he is liable for failing to cause such child to attend school.

(2) The Magistrate, President, or Chairman may require by summons any parent of a child required by regulation, rule, or by-law to attend school to produce the child before him, and any person failing without reasonable excuse, proof whereof shall lie on the parent, to comply with such summons, shall be guilty of an offence, and shall be liable on summary conviction to a fine not exceeding twenty rupees.

(3) When a child is apparently of the age alleged for the purpose of the proceeding, it shall lie on the defendant to prove that the child is not of that age.

(4) A certificate purporting to be under the hand of the Director or any officer of the Department authorized by him stating that a child has reached a particular standard of

Education.

education, or is or is not under adequate and suitable instruction, or stating that any school does or does not provide adequate and suitable instruction, shall be sufficient evidence of the facts stated in such certificate.

Acquisition of land for purposes of Ordinance.

43 Any private land which may be required for the purposes of, or incidental to, the erection or extension of school buildings, teachers' houses, offices, or premises, or for the establishment of school gardens or playgrounds, or otherwise for the purposes of this Ordinance, may be acquired by the Crown for such purpose under the provisions of "The Land Acquisition Ordinance, 1876," or of any other Ordinance for the time being in force providing for the acquisition of private land for public purposes.

Repeal.
[§ 3, 15 of 1920.]

44 Subject to the provisions of sections 46 and 47 hereof the following Ordinances, namely, "The Town Schools Ordinance, 1906"; "The Rural Schools Ordinance, 1907"; "The Rural Schools (Amendment) Ordinance, No. 14 of 1913"; "The Town Schools (Amendment) Ordinance, No. 34 of 1916"; "The Rural Schools (Amendment) Ordinance, No. 8 of 1917"; and "The Rural Schools (Amendment) Ordinance, No. 34 of 1917," are hereby repealed.

Existing local authorities and District Committees to continue in force notwithstanding repeal until appointment of new District Committees.
[§ 4, 15 of 1920.]

45 Every local authority constituted by Ordinance No. 5 of 1906 and every District Committee established by Ordinance No. 8 of 1907 shall continue to have and exercise the powers vested in and committed to them respectively by the said Ordinances until the appointment of a new District Committee under the provisions of this Ordinance in succession to such local authority or Committee, and all rules made by every such local authority or District Committee shall remain in full force and effect, and breaches thereof shall continue to be punishable as heretofore.

Provided, however, that all such rules shall be deemed to be repealed, and shall cease to be operative within the limits of an education district constituted under the provisions of this Ordinance as and from the date on which rules made by a District Committee appointed under the provisions hereof for such district shall come into force.

New District Committee to be successor of existing local authority or District Committee.

46 (1) Where a District Committee is appointed under the provisions of this Ordinance, such District Committee shall be the successor of the existing local authority or District Committee constituted or appointed under the Ordinances hereby repealed for all purposes relating to the area of such existing local authority or Committee included within the limits of such new District Committee as from the date of the appointment of such Committee.

(2) The property and funds of which such existing local authority or District Committee shall be possessed under or by reason of the provisions of any of the Ordinances hereby repealed, and all the rights, duties, debts, liabilities, and obligations of any such existing local authority or District Committee, shall, in so far as they relate to any area within the limits of any District Committee appointed under this Ordinance, be deemed to be transferred to such District Committee from the date of the appointment of such Committee.

Education.

Ord. 5 of 1906.

Provided, however, that in any case in which by reason of the constitution or creation of an education district under the provisions of this Ordinance a part only of the area comprised within the limits of a school district is included within the limits of such new education district, and doubts shall arise as to the extent to which the property and funds, or the rights, duties, debts, liabilities, and obligations of any such existing District Committee rest in such new District Committee, the Director of Education shall refer the matter for the decision of His Excellency in Executive Council, whose decision shall be final and binding upon all persons whomsoever.

47 (1) *Whenever by reason of the constitution or creation of a new education district the whole or a part of any education district created under the provisions of this Ordinance is comprised within the limits of such new education district, the District Committee of such new education district shall be the successor of the Committee of such existing education district for all purposes relating to the area of such existing district within the limits of the new district.*

District Committee of new education district to be successor of existing education district.

(2) *The property and funds of such existing District Committee, and all its rights, powers, duties, liabilities, and obligations shall in so far as they relate to any area within the limits of such new District Committee be deemed to be transferred to such new District Committee as from the date of the appointment of such Committee.*

Provided, however, that in any case in which by reason of a part only of the area of any existing education district being comprised within the limits of such new education district doubts shall arise as to the extent to which the property or funds, or the rights, powers, duties, debts, liabilities, or obligations of such existing District Committee rest in the District Committee of such new education district, the Director of Education shall refer the matter for the decision of His Excellency in Executive Council, whose decision shall be final and binding upon all persons whomsoever.

No. 5 of 1906.

An Ordinance to provide for compulsory Vernacular Education in Municipal and Local Board Towns and in Towns under the operation of "The Small Towns Sanitary Ordinance, 1892."

(Amended by No. 31 of 1916.)

(For Rural and Estate Schools, see No. 8 of 1907, page 648.)

(See No. 1 of 1920.)

WHEREAS it is expedient to provide for compulsory vernacular education in Municipal and Local Board towns and in towns under the operation of "The Small Towns Sanitary Ordinance, 1892": Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

Preamble.

1 This Ordinance may be cited as "The Town Schools Ordinance, 1906."

Short title.

Ord. 5 of 1906.

Education.

Repeal.

2 The Ordinance No. 33 of 1884 is hereby repealed.

Power to extend provisions of Ordinance to certain towns.

3 It shall be lawful for the Governor, with the advice and consent of the Executive Council, by Proclamation in the *Government Gazette*, to bring the provisions of this Ordinance or such of them as shall be specified in such Proclamation into operation within any Municipal or Local Board town, or within any town or village which has been brought under the operation of "The Small Towns Sanitary Ordinance, 1892," or within the town of Nuwara Eliya, and in every such Proclamation the limits of such town or village shall be set out and defined, and the Governor, with the advice aforesaid, may from time to time revoke, alter, vary, or amend any such Proclamation.

Interpretation.

4 In this Ordinance, unless the context otherwise requires—
The word "parent" includes a guardian and any person who has the actual custody of a child.

[§ 2, 34 of 1916.]

The term "local authority" means—

Within any Municipal limits, save and except the Municipal limits of the town of Colombo, the Municipal Council ;

Within the Municipal limits of the town of Colombo, the Director of Education ;

Within any Local Board town, the Local Board ;

Within the limits of any town or village brought under the operation of "The Small Towns Sanitary Ordinance, 1892," the Sanitary Board ; and

Within the administrative limits of the Nuwara Eliya Board of Improvement, the Board of Improvement.

Presumption as to occupier of premises in which child resides.

5 The occupier of the premises in which any child usually resides shall be presumed to have the custody of such child until the contrary be proved.

Power of local authority to make provision for instruction in vernacular languages.

6 (1) Notwithstanding the provisions of any Ordinance to the contrary, it shall be lawful for any local authority, if they shall consider it expedient so to do, to make provision *.....* for the establishment and maintenance of one or more schools within the limits of their jurisdiction for the instruction of children in the vernacular languages.

[*.....*Repealed by § 3 of 34 of 1916.]

(2) The expenditure which such local authority is hereby authorized to incur shall include the cost of acquiring and purchasing or renting sites for school buildings, of providing suitable school buildings, and providing the same with the necessary furniture, maps, books, and equipment, and of paying the salaries of a suitable staff of teachers, caretakers, and attendants, and of one or more attendance officers to be appointed as hereinafter provided.

(3) The site, buildings, furniture, and articles so acquired and provided shall be the property of the local authority.

Power to make by-laws.

7 (1) A local authority may from time to time make, and when made may revoke, amend, alter, or vary such by-laws as may seem necessary or expedient for the purpose of carrying out the provisions of this Ordinance, and may impose penalties for the contravention thereof not exceeding a fine of twenty rupees, and an additional fine not exceeding ten rupees per day in case of a continuing offence.

(2) No by-law, or revocation, amendment, alteration, or variation of any by-law shall have effect until the same is confirmed by the Governor, with the advice of the Executive Council.

Education.

Ord. 5 of 1906.

(3) All by-laws when so confirmed shall be published in the *Government Gazette* in the English, Sinhalese, and Tamil languages, respectively, and from the date of such publication shall have the same force as if they had been enacted by this Ordinance.

(4) All such by-laws shall be laid before the Legislative Council if in session within one month of such publication, and if not in session within one month of the commencement of the session next ensuing, and in either case they shall be on the table during four sittings at least of the Council, and any by-law which has been disapproved by resolution of the Council shall cease to have any force or effect.

8 (1) The by-laws made under the last preceding section may apply to both boys and girls, or to boys only, or to girls only, and may provide among other things for--

Purposes for which by-laws may be made.

(a) Specifying the limits of any area within the jurisdiction of the local authority within which efficient provision has been made for vernacular education either by a school established under this Ordinance or by any existing school or schools registered by the Director of *Education* as a Government school or schools or as a school or schools receiving a grant in aid from Government. Such by-laws shall name the schools by which efficient provision is made as aforesaid for vernacular education.

[§ 5, 34 of 1916.]

(b) Requiring the parent of any child between the ages of six years and twelve years old or in the case of Muhammadan and Tamil girls between the ages of six and ten, residing within such area, to cause such child to attend one of such schools, unless he has made other adequate and suitable provision for the education of such child. A parent shall be deemed to have made adequate and suitable provision for the education of his child if he proves that his child is in regular attendance at a school registered by the Director of *Education* for the receipt of a grant in aid, or at a school with regard to which an application for a grant in aid is under consideration, or at a school certified by the Director of *Education* to provide adequate and suitable instruction, or if he proves that he has made such other provision for his child's education as the Director of *Education* shall certify to be adequate and suitable or if he produces a certificate from the Director of *Education* recommending that the child shall be exempted from compulsory attendance. Provided that no parent shall be convicted for not causing his child to attend such school if he proves to the satisfaction of the Magistrate that he has reasonable excuse for not causing such child to attend. A parent shall be deemed to have a reasonable excuse for not causing his child to attend school if he proves that the child is prevented from attending by sickness or other unavoidable cause.

[§ 5, 34 of 1916.]

[§ 5, 34 of 1916.]

[§ 5, 34 of 1916.]

[§ 5, 34 of 1916.]

(c) Determining the days on which and the hours during which children shall attend such school.

(d) Prescribing, on the recommendation of the Director of *Education*, the course of instruction to be given in schools.

[§ 5, 34 of 1916.]

Ord. 5 of 1906.

Education.

- (c) For every other purpose which may by the local authority be deemed necessary for carrying out the provisions of this Ordinance. Provided that nothing herein contained shall in any way restrict or be construed to restrict the generality of the powers conferred by the last preceding section, but such powers shall extend to all matters, whether similar or not to those in this section mentioned, as to which it may be expedient to make by-laws for the better carrying into effect of the objects of this Ordinance.

Religious instruction.

9 (1) No religious instruction shall be given in any school established under section 6 of this Ordinance.

(2) No school in which religious instruction is given shall be named in any by-law made under clause (a) of the last preceding section as a school in which efficient provision is made for vernacular education, unless the local authority is satisfied—

- (a) That religious instruction is given only during the times specified in the school time table ;
- (b) That religious instruction is not given to pupils of other denominations than that to which the school belongs, if the parents object ;
- (c) That pupils who do not attend religious instruction are employed in other studies during the hours allotted to religious instruction ;
- (d) That such pupils, if their parents object to their being present in the room where religious instruction is given, are either allowed to study in some other part of the school premises during the hours when such instruction is given or their presence in the school during such hours is excused ; and
- (e) That a copy of sub-section (2) of this section in the English, Sinhalese, and Tamil languages is conspicuously posted up in the school.

Appointment of attendance officers.

[§ 5, 34 of 1916.]

10 It shall be lawful for the Director of *Education* on the requisition of a local authority, to appoint one or more attendance officers to carry out the provisions of this Ordinance. Attendance officers so appointed shall be officers of the Government, and subject in all respects to the rules and regulations of the Public Service. The salaries of such attendance officers shall be fixed by the local authority, and shall be paid out of their funds.

Power of attendance officer to require information with regard to children.

11 It shall be lawful for any attendance officer appointed under this Ordinance to require the occupier of any premises to give full information with regard to the children residing in such premises and of the provision, if any, which is made for their instruction, and if necessary to produce such children before him for inspection.

Power of attendance officer to enter and search premises.

[§ 5, 34 of 1916.]

12 Whenever the occupier of any house, premises, or place refuses to give such information as aforesaid to the attendance officer, or gives information which the attendance officer has reasonable ground for believing to be false, it shall be lawful for the attendance officer, with the authority in writing of the Director of *Education* if the house, premises, or place are within the jurisdiction of the Municipal Council of Colombo, and if such house, premises, or place are elsewhere, with the authority in writing of the Chairman of the local authority, at any time between sunrise and sunset to enter and search such house,

Education.

Ord. 5 of 1906.

premises, or place, and the occupier of the same shall afford him all reasonable facilities for so doing; and every occupier who fails or refuses to afford such facilities shall be guilty of an offence, and liable on conviction to the penalties prescribed in the following section.

13 Any person who refuses to give an attendance officer any information which such attendance officer is authorized by this Ordinance to require, or wilfully gives information which is false in any particular, or wilfully obstructs any attendance officer in the discharge of his duties, shall be guilty of an offence, and shall be liable on conviction thereof to be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one hundred rupees, or with both.

Penalties.

14 (1) Every prosecution in respect of an offence under this Ordinance may be instituted by a written report made by an attendance officer and certified, where the offence is alleged to have been committed within the jurisdiction of the Municipal Council of Colombo, by the Director of *Education*, and where the offence is alleged to have been committed elsewhere by the Chairman of the local authority, that such offence has been committed, being presented to a Police Magistrate or, in the case of a Municipal town, a Municipal Magistrate.

How prosecutions are to be instituted.

[§ 5, 34 of 1916.]

(2) All fines imposed under this Ordinance shall be paid into the funds of the local authority *except fines imposed in respect of offences committed within the jurisdiction of the Municipal Council of Colombo.*

[§ 3, 34 of 1916.] ●

15 (1) If any child of such age as to be liable to attend school habitually and without reasonable excuse neglects to attend such school, or is found habitually wandering about the streets and not under proper control, or in the company of disorderly or immoral persons or of reputed criminals, it shall be the duty of the attendance officer, after due warning to the child and to the parents of the child, if they can be found, to present a written report, certified as provided by the last preceding section, to a Magistrate, and the Magistrate shall summon such child and the parents (if they can be found) before him, and if satisfied of the truth of the report may order such child, if a male, to be whipped in accordance with the provisions of "The Flogging Regulation Ordinance, 1904," or order any such child to be sent to any school or institution certified by the Governor under "The Youthful Offenders Ordinance, 1886" (hereinafter referred to as "a certified industrial school"), for such period, not less than three months or more than six months, as to such Magistrate shall seem proper.

Power of Magistrate in certain cases to order child to be sent to certified industrial school.

(2) The costs of maintaining and educating the child at the certified industrial school shall be defrayed, in the first instance, by the local authority, but the Magistrate may in his discretion issue an order to the parent of such child requiring such parent to pay the whole or any part of the costs of such maintenance, provided that such order may be made on the application of an attendance officer appointed under this Ordinance, and shall be made and enforced, so far as is consistent with the provisions of this Ordinance, in the manner provided by sections 32 to 37 inclusive of "The Youthful Offenders Ordinance, 1886."

Ord. 8 of 1907.

Education.

Proceduro.

16 With regard to proceedings before a Magistrate under this Ordinance or under any by-laws thereunder, the following provisions shall have effect :

- (1) In any proceeding for an offence under a by-law the Magistrate may, instead of inflicting a penalty, make an order directing that the child shall attend school, and that if he fails to do so the person on whom such order is made shall pay a penalty not exceeding the penalty to which he is liable for failing to comply with the by-law.
- (2) Any Magistrate may require by summons any parent of a child required by by-law to attend school to produce the child before him, and any person failing without reasonable excuse, proof whereof shall lie on the parent, to comply with such summons shall be liable to a penalty not exceeding twenty rupees.
- (3) When a child is apparently of the age alleged for the purpose of the proceeding, it shall lie on the defendant to prove that the child is not of that age.
- (4) A certificate purporting to be under the hand of the Director of *Education* stating that a child has reached a particular standard of education, or is or is not under adequate and suitable instruction, or stating that any school does or does not provide adequate and suitable instruction, or stating that any person has been appointed an attendance officer under this Ordinance, shall be evidence of the facts stated in such certificate.

[§ 5, 31 of 1916.]

14th March, 1906.

No. 8 of 1907.

An Ordinance to make provision in Rural and Planting Districts for the Education of Children in the Vernacular Languages.

(As amended by No. 30 of 1909, No. 14 of 1913, No. 8 of 1917, and No. 34 of 1917.)

(See No. 14 of 1913 and No. 1 of 1920.)

Preamble.

WHEREAS it is expedient to make provision in rural and planting districts for the education in the vernacular languages of children for whose education other adequate provision has not been made : Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows :

Short title and division into parts.

1 This Ordinance may be cited as "The Rural Schools Ordinance, 1907," and is divided into parts as follows :

Part I.--Preliminary.

Part II.—School Districts and School Divisions.

Part III.—Constitution, Powers, and Duties of District School Committees.

Part IV.—Powers and Duties of Village School Committees.

Part V.—Estate Schools.

Part VI.—General.

Education.

Ord. 8 of 1907.

PART I.

Preliminary.

2 (1) Subject to the provisions of sub-section (3) of this section, the Governor in Executive Council may, by Proclamation, declare parts II., III., IV., and VI. of this Ordinance to be in force in any of the school divisions hereinafter constituted by this Ordinance, and thereupon the same shall be in force within the limits and from the date named in such Proclamation.

Commencement and operation of the Ordinance.

(2) The Governor in Executive Council may in like manner from time to time revoke or alter any such Proclamation.

(3) This Ordinance* shall not be brought into operation within the limits of any Municipal or Local Board town †..... †

[†..... † Repealed by § 3, 30 of 1909.]

3 In this Ordinance, unless the context otherwise requires—

Interpretation.

“ Parent ” includes a guardian and any person who has actual custody of a child.

“ Inspector ” includes a sub-inspector of schools.

“ Government school ” means a school in which the teaching staff is paid by the Director of Public Instruction.

“ Grant-in-aid school ” means a school which has been registered by the Director of Public Instruction for receipt of grants under the Code for Aided Schools for the time being sanctioned by the Governor in Executive Council.

“ Vernacular school ” includes schools in which instruction is given in English, in addition to the vernacular, provided that English does not form one of the subjects in which it is compulsory to receive instruction.

“ Public vernacular school ” means a vernacular school carried on, as regards religious instruction, in accordance with section 21 of this Ordinance.

“ Manager ” means any person recognized by the Director of Public Instruction as manager or local manager of any school or group of schools receiving grants from him.

“ Estate ” bears the meaning assigned thereto by “ The Medical Wants Ordinances, 1880, 1882, and 1905.” ‡

PART II.

School Districts and School Divisions.

4 Every revenue district and every province which is not divided into revenue districts shall for the purposes of this Ordinance be a school district.

School districts

5 (1) In parts of the Island which are subject to the operation of “ The Village Communities Ordinance, 1889,” every subdivision into which any chief headman’s district has been divided under section 5 of “ The Village Communities Ordinance, 1889,” shall be a school division for the purposes of this Ordinance.

School divisions.

* For compulsory education in town see No. 5 of 1906, page 643.—*Edd.*

‡ Repealed by No. 9 of 1912.—*Edd.*

Ord. 8 of 1907.

Education.

(2) In parts of the Island which are not subject to the operation of "The Village Communities Ordinance, 1889," the Governor in Executive Council may from time to time by Proclamation appoint convenient villages or groups of villages to be school divisions for the purposes of this Ordinance, and may from time to time revoke, vary, or amend any such Proclamation.

PART III.

Constitution, Powers, and Duties of District School Committees.

Constitution of District School Committee.

6 For every school district there shall be a governing body to be called the District School Committee, which shall consist of—

- (a) A Chairman, who shall be the Government Agent of the province, or, in his absence, the Assistant Government Agent of the district.
- (b) The Director of Public Instruction, or, in his absence, an officer of the Department of Public Instruction appointed by him.
- (c) One of the chief headmen of the district, nominated by the Government Agent.
- (d) One or more school managers or other persons interested in education in the district, nominated by the Governor.

Term of office of District School Committee.

7 The members of the District School Committees who shall be first nominated under this Ordinance shall go out of office on the Thirty-first day of December, 1910, and shall be succeeded by members who shall hold office for successive terms of three years, the first of such terms commencing from the said date.

In the case of any district committees which may be established after the said date, the first nominated members shall go out of office at the expiration of the term of office which is then current.

Casual vacancies.

8 On a casual vacancy occurring by reason of the death, resignation, or disqualification of any of the members referred to in (b), (c), or (d) of section 6, or otherwise, the authority by whom such member was nominated shall nominate another member in his place; and the person so nominated shall hold office until the time when the member in whose place he was nominated would have gone out of office.

Power of District School Committee to regulate its procedure.

9 (1) The District School Committee may make regulations as to their quorum, proceedings, and place of meeting, and as to the notice to be given of such meetings; but subject to such regulations, the quorum, proceedings, and place of meeting of any district committee shall be such as the committee determine.

(2) The proceedings of a District School Committee shall not be invalidated by any vacancy among its members, or by any defect in the election, appointment, or qualification of the members thereof.

(3) The Chairman of the district committee shall cause minutes of the proceedings of the committee to be kept in a book provided for the purpose, and a minute of those proceedings signed at the same or next ensuing meeting by a person describing himself as or purporting to be the Chairman of the meeting of the committee shall be received in evidence without further proof.

Education.

Ord. 8 of 1907.

(4) The district committee may make such rules as it shall consider suited for the guidance of Village School Committees, or of village headmen or of other officers employed by it, or for the better enforcement of by-laws made under this Ordinance; provided that all rules which regulate the institution of prosecutions under this Ordinance, or impose duties on teachers, or necessitate the entry of schools by persons who are not officers of the Department of Public Instruction, must in all cases be referred to the Director of Public Instruction for his approval.

10 (1) The estimates of expenditure submitted to the Legislative Council shall provide in each year for the payment to the Chairman of each District School Committee of not more than one-third of the amount which is shown in such estimates as the value of the labour of the inhabitants of that district under "The Road Ordinances, 1861 and 1884," appropriated for maintenance of roads.

Fund of District School Committee.

(2) Where for any special reason the amount which could have been so appropriated under the said Ordinances has been materially reduced, in the case of any district, or has not been appropriated at all, the Treasurer shall certify the sum which, but for such special reason, might lawfully have been so appropriated in respect of that district; and the amount to be provided in the estimates of expenditure shall not exceed one-third of the sum so certified.

(3) The amounts voted by the Legislative Council under this section shall form a fund to be applied by each District School Committee as hereinafter mentioned.

11 (1) Subject to the provisions of this Ordinance, District School Committees may apply the fund vested in them and the money or labour placed at their disposal as hereinafter provided for the benefit of the Government schools at which the children in their school district attend, and may make provision therefrom for—

Application of money and labour at disposal of District School Committee.

(a) Erecting new buildings, extending existing school buildings, making and fencing school gardens and play grounds, constructing wells for school gardens and teachers' dwelling houses, and other necessary premises and offices;

(b) Repairing school buildings, teachers' dwelling houses, fences, wells, offices, and premises;

(c) Supplying furniture gardening implements, and school apparatus.

(2) District School Committees may also, subject to the provisions of this Ordinance—

(a) Pay the salaries of clerks and other officers employed by them with the approval of their Chairman; and

(b) Make any payments which they may consider necessary for carrying out the objects of this Ordinance.

12 Accounts shall be kept by each district committee of their receipts and expenditure, and those accounts shall be made up to the 31st day of December in each year, and any balance of receipts over expenditure shall be carried forward to the following year. The accounts shall be open at all times to the inspection of

Keeping and audit of accounts.

Ord. 8 of 1907.

Education.

the Colonial Auditor and of any other officer appointed by him to inspect them, and a copy of the accounts for each year shall be forwarded to the Colonial Auditor not later than the 31st day of January of the succeeding year. A correct summary of the accounts for each year shall be published in the *Government Gazette*.

Preparation of returns of existing schools in school divisions.

13 Whenever this Ordinance is brought into force in any school division, the Chairman of the school committee of the district within which such school division is situated shall cause returns to be made showing the names of the existing schools, whether Government schools or grant-in-aid schools, within such school division, the number and sex of the pupils attending each of them, and, in the case of grant-in-aid schools, stating whether the manager is prepared to carry on the school as a public vernacular school under this Ordinance, and for how many additional pupils any manager of such public vernacular schools is prepared to find accommodation, furniture, and teachers. The Chairman shall forward a copy of such returns to the Director of Public Instruction.

Preparation of scheme for establishing vernacular education in school divisions.

14 The District School Committee as soon as may be after the receipt of these returns, shall prepare a scheme for the establishment of vernacular schools for the education of all male children, and, if they think fit, for the education of all female children, resident in the school division and within the ages prescribed in this Ordinance, for whose education efficient and suitable provision is not otherwise made.

In so doing they shall subdivide the school division into school circles consisting either of single villages or of such groups of villages as can conveniently be served by a single school.

In forming such groups they shall, as far as possible, assign villages to an existing Government school or to an aided school of which the manager has stated that he is prepared to make provision for the vernacular education of the children of such village and to carry on the school as a public vernacular school under this Ordinance, but so that no child shall be compelled to attend school from a distance exceeding three miles.

If the manager of a grant-in-aid school in any village has given notice to the Director of Public Instruction that he is not willing to carry on the school as a public vernacular school under this Ordinance, the District School Committee shall provide in their scheme sufficient accommodation by means of a school or schools in the village or elsewhere for the compulsory education of the children of that village, having regard to the number of children who are likely to attend the school of that manager.

Particulars of scheme.

15 The scheme prepared by the district committee shall specify—

- (a) The school circles into which the school division is subdivided, with the villages assigned to each and the number of boys and girls of school-going age in each village.
- (b) Any school or schools by which instruction is already provided for any school circle, including both existing Government schools and existing grant-in-aid schools, whether carried on as public elementary schools or otherwise, with the number of boys and girls attending each.

Education.

Ord. 8 of 1907.

- (c) The new Government schools which it is proposed to establish in any school circle, with the villages assigned to each.
- (d) The Government schools of which it is proposed to extend the existing buildings.
- (e) An estimate of the probable cost in money or labour of such new buildings and extensions and of the furniture necessary for them, together with an estimate of the money or labour which can be made available for this purpose by the village committee of the school division. Such estimate shall, if the cost is too heavy to be borne in one year, contain proposals for spreading the work over a longer period not exceeding five years.

16 The scheme for each school division shall, when completed by the district committee, be forwarded through the Chairman to the Director of Public Instruction, and no action shall be taken to give effect to any scheme or portion of a scheme until it has been approved by the Director of Public Instruction.

Approval of scheme by the Director of Public Instruction.

Before signifying his approval of any scheme or portion of a scheme, the Director of Public Instruction shall publish in the *Government Gazette* the name of any new school which it is proposed to establish; and shall allow at least twenty-eight days to elapse from the date of such publication, within which objections may be forwarded to him.

17 Whenever any scheme has been thus approved, the village committees in the school district shall annually place at the disposal of the District School Committee, for the purpose of carrying out any work under this Ordinance, the money or labour which can be made available under section 6 of "The Village Communities Ordinance, 1889," for the purposes mentioned in sub-section (2) of the said section.

Provision of fund and labour.
[§ 3, 14 of 1913.]

18 Whenever in the opinion of the district school committee the education of the children in any school division is sufficiently provided for by means of schools either situated in that division or elsewhere, the committee may exercise the power conferred upon them by the next following section of compelling by means of by-laws the attendance of children at school. Provided that no child shall be compelled to attend school from a distance exceeding three miles.

Power of District Committee to enforce compulsory attendance at school.
[§ 2, 8 of 1917.]

By-laws.

19 District School Committees may from time to time make, and when made may revoke, amend, alter, or vary, such by-laws as may seem necessary or expedient for the purpose of carrying out the provisions of this Ordinance; such by-laws may provide penalties for the contravention thereof not exceeding a fine of twenty rupees, or, in default of payment, imprisonment for a period not exceeding fourteen days, and an additional fine not exceeding ten rupees per day in case of a continuing offence.

Power of District School Committee to make by-laws.

[§ 3, 8 of 1917.]

20 (1) The by-laws made under the last preceding section may apply to both boys and girls, or to boys only, or to girls only, and may provide among other things for—

Purposes for which by-laws may be made.

[§ 4, 8 of 1917.]

- (a) Specifying the limits of any school division for which efficient provision has been made for education by means of public vernacular schools situated either in that division or elsewhere.

Ord. 8 of 1907.

Education.

[§ 2, 31 of 1917.]

(a) 1) *Requiring any person who desires to open a school or give instruction in English or in any other language in any schoolroom or in any building not previously used by him for the purpose to any class or classes attended by children of school-going age to report to the nearest Education Inspector or Sub-Inspector at least one month before commencing such school work or instruction, and thereafter to supply such information as may be required by the Director of Education with regard to his class or classes and the course of instruction he proposes to give therein.*

[§ 3, 31 of 1917.]

(b) *Subject to such exceptions and qualifications as may be contained in the said by-laws requiring the parent of any child between the ages of six years and fourteen years old, or in the case of girls between the ages of six years and twelve years old, or in the case of Muhammadan and Tamil girls between the ages of six and ten, residing within such school division or part of a school division to cause such child to attend a public vernacular school, unless he has made other adequate and suitable provision for the education of such child. A parent shall be deemed to have made adequate and suitable provision for the education of his child if he proves that his child is in regular attendance at a school registered by the Director of Public Instruction, for the receipt of a grant in aid or at a school with regard to which an application for a grant in aid is under consideration, or at a school certified by the Director of Public Instruction to provide adequate and suitable instruction, or if he proves that he has made such other provision for his child's education as the Director of Public Instruction shall certify to be adequate and suitable, or if he produces a certificate from the Director of Public Instruction recommending that the child shall be exempted from compulsory attendance. Provided that no parent shall be convicted for not causing his child to attend such school if he proves to the satisfaction of the court that he has reasonable excuse for not causing such child to attend. A parent shall be deemed to have a reasonable excuse for not causing his child to attend school if he proves that the child is prevented from attending by sickness or other unavoidable cause.*

[§ 3, 31 of 1917.]

[§ 5, 8 of 1917.]

[§ 4, 14 of 1913.]

[* . . . * Repealed by § 6, 8 of 1917.]

- (c) *Determining the penalty not exceeding a fine of twenty rupees, or, in default of payment, imprisonment, * * for a period not exceeding fourteen days, and in the case of a continuing penalty an additional fine not exceeding ten rupees per day, to be attached for the breach of any by-law.*
- (d) *Determining the days on which and the hours during which children shall attend such school.*
- (e) *Prescribing, on the recommendation of the Director of Public Instruction, the course of instruction to be given in schools.*
- (f) *Prescribing the forms in which any return required by this Ordinance shall be made.*
- (g) *For every other purpose which may be deemed necessary for carrying out the provisions of this Ordinance.*

Provided that nothing herein contained shall in any way restrict or be construed to restrict the generality of the power conferred by the last preceding clause, but such powers shall extend to all

Education.

Ord. 8 of 1907.

matters, whether similar or not to those in this section mentioned, as to which it may be expedient to make by-laws for the better carrying into effect the objects of this Ordinance.

(2) No by-law or revocation, amendment, alteration, or variation of any by-law shall have effect until the same has been confirmed by the Governor in Executive Council. All by-laws when so confirmed shall be proclaimed in the *Government Gazette* in the English, Sinhalese, and Tamil languages, and shall thereupon, subject to the provisions of the next following sub-section, be as legal, valid, effectual, and binding as if they had been enacted in this Ordinance.

(3) All by-laws when proclaimed as aforesaid shall be laid, as soon as conveniently may be, before the Legislative Council, and if a resolution is passed within forty days of their being laid before the Legislative Council praying that any by-law shall be annulled, such by-law shall thenceforth be void, but without prejudice to anything done thereunder.

21 No school in which religious instruction is given shall be considered a public vernacular school unless the district committee is satisfied—

Religious instructions.

- (a) That religious instruction is given only during the times specified in the school time table ;
- (b) That religious instruction is not given to pupils of other denominations than that to which the school belongs, if the parents object ;
- (c) That pupils who do not attend religious instruction are employed in other studies during the hours allotted to religious instruction ;
- (d) That such pupils, if their parents object to their being present in the room where religious instruction is given, are either allowed to study in some other part of the school premises during the hours when such instruction is given or their presence in the school during such hours is excused ; and
- (e) That a copy of this section in the English, Sinhalese, and Tamil languages is conspicuously posted up in the school.

22 Upon the proclamation under section 20 of any by-laws in any school division, any rules made by the inhabitants or by the village committee of the subdivision under the provisions of section 6 of "The Village Communities Ordinance, 1889," for securing the attendance of children at school which may then be in force in such school division, shall from the date of such proclamation be rescinded and shall cease to have effect, and no rules for such purpose shall thereafter be made ; but nothing in this section shall prejudice anything lawfully done under such rules.

Repeal of village rules by proclamation of by-laws.

PART IV.

Powers and Duties of Village School Committees.

23 For every school division there shall be a governing body called the "Village School Committee," which, in cases where the school division is also a subdivision for the purposes of "The Village Communities Ordinance, 1889," shall be the village committee of the subdivision elected under the provisions of the said Ordinance.

Village School Committee where school division is also a subdivision.

Ord. 8 of 1907.

Education.

Village School Committee where school division is not a subdivision.

24 (1) In cases where the school division is not also a subdivision for the purposes of "The Village Communities Ordinance, 1889," the Village School Committee shall be elected by the inhabitants in the manner prescribed by the said Ordinance with regard to the election of village committees.

Every such election shall be held on the requisition of the Chairman of the District School Committee and at such time and place as he shall appoint; and the provisions of the said Village Communities Ordinance with regard to convening and holding meetings, the qualifications of voters and committeemen, the term of office of the committee, and the filling of casual vacancies shall be applicable, with the necessary modifications, to the election of Village School Committees in the cases provided by this section.

(2) Every Village School Committee elected under this section may from time to time make rules—

- (1) For constructing and repairing school rooms for the education of boys and girls; and
- (2) For the purposes set out in sub-sections 17 (a), 17 (b), and 17 (c) of section 6 of "The Village Communities Ordinance, 1889," so far as they refer to the objects set out in sub-section (2) of the said section.

[§ 5, 14 of 1913.]

(3) Every Village School Committee shall annually place at the disposal of the District School Committee for the purposes of this Ordinance such money or labour as can be made available for constructing and repairing school rooms.

(4) The provisions of sections 7, 8, and 9 of the said Ordinance shall be applicable to rules made under this section by a Village School Committee as if such rules had been made by the inhabitants of a subdivision.

Duty of Village School Committee as regards provision of school rooms.

25 The Village School Committee of every school division shall, subject to this Ordinance, make provision, by means of the labour of the inhabitants and from the funds vested in them, and with such assistance as the District School Committee may afford them, for the establishment and maintenance of sufficient accommodation in vernacular schools for the education of children resident within the school district for whose education efficient and suitable provision is not otherwise made.

PART V.

Estate Schools.

Commencement of part V.

26 Part V. of this Ordinance shall come into operation at such time as the Governor in Executive Council shall by Proclamation* in the *Government Gazette*, appoint.

Application of part V. to estates.

27 Parts II., III., and IV. of this Ordinance shall not apply to estates as hereinbefore in this Ordinance defined; but, whenever it appears that the children of the labourers employed on any estate can be more conveniently educated by means of the schools

* Brought into operation by Proclamation of June 8, 1908, in *Government Gazette* No. 6,246 of June 12, 1908.—*Edd.*

Education.

Ord. 8 of 1907.

of the school division within or near which such estate is situated, the Governor may, by order in the *Government Gazette*, exempt such estate from the operation of part V., and direct that it shall be subject to parts II., III., and IV. of the Ordinance.

28 Two or more estates may, with the sanction in writing of the Director of Public Instruction, combine for the purpose of providing a common school under a joint manager for the instruction of the children on such estates.

Combined schools.

29 It shall be the duty of the superintendent of every estate to provide for the vernacular education of the children of the labourers employed on the estate between the ages of six and ten, and to set apart and keep in repair a suitable school room.

Duty of superintendent as regards education of children on estate.

30 (1) Every superintendent shall, before the expiration of six months from the date when part V. of this Ordinance comes into force, forward to the Director of Public Instruction a return showing the following particulars, namely :

Return of children of school-going age.

- (a) The number of the boys and girls, being the children of labourers employed on the estate, between the ages of six and ten.
- (b) The number of such boys and girls who attended school during the twelve months ending on the 31st December last preceding the date when this part of the Ordinance came into force.
- (c) The number of days during such period on which school was held.
- (d) The description of building in which instruction was given.

(2) Such returns shall be made on forms which will be furnished by the Director of Public Instruction on the application of superintendents free of charge.

31 It shall be the duty of the superintendent to cause the school teacher to keep a register showing the names and ages of the boys and girls, being the children of labourers employed on the estate, between the ages of six and ten, and also an attendance register showing the presence or absence of each child on every day on which school is held. Such first-named register shall be corrected or renewed on or before the tenth day of each month, and shall be open to inspection as hereinafter provided.

Register of children of school-going age.

32 The Director of Public Instruction shall from time to time cause estate schools to be inspected, and on such inspection the superintendent, who shall have at least three days' clear notice of the inspection, shall afford the inspector all reasonable facilities for inspecting the registers hereinbefore required to be kept and the children on the estate.

Inspection of schools.

33 Whenever provision has not been made to the satisfaction of the Director of Public Instruction for the vernacular instruction of the children on any estate and for the supply of a suitable school room, the Director of Public Instruction may issue a notice to the superintendent calling upon him to make provision for the vernacular education of the children and for a school room ; and if such notice has not been complied with to the satisfaction of the Director of Public Instruction within six months from the date when it was given, the Governor in Executive Council may authorize some person to enter upon the estate and erect a suitable

Enforcement of obligation of superintendent to provide for education of children.

Ord. 8 of 1907.

Education.

school room thereon and to provide suitable instruction for such children. The cost of erecting and maintaining a school room and of providing instruction for the children shall from time to time be certified by the person so authorized, and shall be recovered in the manner provided by "The Medical Wants Ordinance, 1880,"* for the recovery of money payable under section 15 and 19 of the said Ordinance.

PART VI.

General.

Appointment and payment of teachers

34 The Director of Public Instruction shall appoint teachers and pupil teachers to give instruction in vernacular schools provided by Village School Committees under part IV. of the Ordinance, and shall make provision for their payment from such sums as shall be voted annually for this purpose by the Legislative Council.

Application by manager for grant in aid.

35 The Director of Public Instruction, in case of any application from a manager for a grant in aid for a vernacular school situated in a school division subject to this Ordinance, shall refer such application to the District School Committee for report. If the committee report that the registration of such school is unnecessary or prejudicial to other schools, it shall not be registered until the Director of Public Instruction has held an inquiry, due notice of which shall be given to all parties concerned. If, after such inquiry, the Director of Public Instruction decides that the school ought to be registered, he shall notify this to the Chairman of the district committee, and shall not register such school until at least three weeks have elapsed from the date of such notification.

Responsibility of occupier of premises for children.

36 The occupier of the premises in which any child usually resides shall be presumed to have the custody of such child until the contrary is proved.

Disposal of fines.
[§ 6, 14 of 1917.]

37 All fines under this Ordinance shall be paid into the funds of the District School Committee of the District in which the school in relation to which the offence was committed is situated.

Jurisdiction in respect of offences.

38 All offences under this Ordinance or under any by-law made thereunder shall be triable by the Village Tribunal or Village Committee of the division in which the offence was committed wholly or in part, and if there is no Village Tribunal or Village Committee, by the Police Court having local jurisdiction. The Village Tribunal or Village Committee shall have jurisdiction to award the maximum punishment prescribed therefor, anything in the Criminal Procedure Code or in "The Village Communities Ordinance, 1889," to the contrary notwithstanding.

Procedure.

39 With regard to the proceedings before a Police Magistrate or Village Tribunal under this Ordinance or under any by-law or rule thereunder, the following provisions shall have effect, namely:

(1) Any Police Magistrate or President may, instead of imposing a penalty, make an order directing that the child shall attend school, and that if he fails to do so, the person on whom such order is made shall pay a penalty not exceeding the penalty to which he is liable for failing to comply with the by-law.

* Repealed by No. 9 of 1912.—*Edd.*

Education.

Ord. 14 of 1913.

(2) Any Police Magistrate or President may require by summons any parent of a child required by by-law to attend school to produce the child before him, and any person failing without reasonable excuse, proof whereof shall lie on the parent, to comply with such summons, shall be liable to a penalty not exceeding twenty rupees.

(3) When a child is apparently of the age alleged for the purpose of the proceeding, it shall lie on the defendant to prove that the child is not of that age.

(4) A certificate purporting to be under the hand of the Director of Public Instruction stating that a child has reached a particular standard of education, or is or is not under adequate and suitable instruction, or stating that any school does or does not provide adequate and suitable instruction, shall be sufficient evidence of the facts stated in such certificate.

40 (1) It shall be lawful for the Chairman of the District School Committee and for the Director of Public Instruction and for any inspector of schools to enter and inspect any school during the school session, whether a grant-in-aid school or not, and all the registers of admission and attendance shall be open to the inspection of such officer.

Powers of inspection.

(2) It shall be lawful for the Chairman of the Village School Committee and for any person appointed by the Chairman of the District School Committee to be an attendance officer to enter any Government or grant-in-aid school in the school division during the school session, and to inspect the registers of admission and attendance.

41 Any private land which may be required for the purposes of, or incidental to, the erection or extension of school buildings, teachers' houses, offices, or premises, or for the establishment of school gardens or play grounds, or otherwise for the purposes of this Ordinance, may be acquired by the Crown for such purpose under the provisions of "The Land Acquisition Ordinance 1876," or of any other Ordinances for the time being in force providing for the acquisition of private land for public uses.

Acquisition of land for purposes of Ordinance.

19th June, 1907.